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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/805,025

03/12/2001

Kazunori Satoh

P/647-139

1576

32172

7590

09/14/2004

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EXAMINER

WILSON, ROBERT W

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

K-8

Office Action Summary	Application No. 09/805,025	Applicant(s) SATO, KAZUNORI	
	Examiner Robert W Wilson	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/24/02</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1.0 The application of Kazunori Satoh entitled PACKET COMMUNICATION CHARGE PRE-NOTIFICATION SYSTEM filed on 03/12/01 requesting foreign priority based upon JAPAN 0699994/2000 03/14/2000 was examined. Claims 1-11 are pending.

Claim Rejections - 35 USC § 103

2.0 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.0 Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (U.S. Patent No.; 6,493,547)

Referring to **Claim 1**, Raith teaches: A packet communication charge pre-notification system (300 is a wireless terminal over 440 per Fig 4. 440 per Fig 4 is TCP/IP or ATM which is a packet network per col. 7 lines 26-30. Anticipated or pre-charge notification is disclosed per col. 11 lines 24-43)

A mobile station (Wireless terminal 300 per Figs 3 & 4)

A packet communication network containing a mobile communication network connected to said mobile station by radio (440 per Fig 4 or packet communication network is connected to 300 per Fig 4 or mobile station via wireless or radio)

A terminal connected to said mobile station via the packet communication network (The applicant has broadly claimed "terminal". The examiner has interpreted Subscriber Information Database or 414 per Fig 4 as a "terminal". 414 per Fig 4 is connected to the wireless terminals via TCP/IP or ATM or packet network)

Control means for forming packet data from digital data and transmitting the packet data to said terminal via the packet communication network in accordance with transmission permission from a user (The controller 360 per Fig 4 creates wireless messages or cellular digital packet data per col.1 line 36 which are transmitted to the Subscriber Information Database or 414 per Fig 4 after Call Setup or 610 per Fig 6 which inherently means permission was granted)

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Counting means for counting the formed packet data before transmission (The reference teaches that terminal may display anticipated charges based # of data packets per col. 11 lines 23-44 or counting means)

Display means for displaying a communication charge calculated on the basis of a counting result of said counting means before the packet data is transmitted (The reference teaches that terminal may display anticipated charges based #of data packets per col. 11 lines 23-44)

Raith does not expressly call for: counting means or that communication charge is calculated before the packet is transmitted but teaches that the anticipated charges based upon the number of data packet used is displayed per col. 11 lines 23-44.

It would have been obvious to one of ordinary skill in the art at the time of the invention that displaying anticipated charges based upon the number of data packet used requires a counting means in order for the invention to work and that anticipated charges perform the same function as displaying the charge before the packet has been sent.

In Addition Raith teaches:

Regarding **Claim 2**, wherein said mobile station further comprises charge calculation means for calculating a communication charge on the basis of the counting result of said count means and said display means displays the communication charge output from said charge calculation means (Controller or 360 per Fig 3 provides the calculation means and 320 per Fig 3 provides the display means)

Regarding **Claim 3**, memory means for calculating a communication charge by looking up the first charge table for packet communication (The applicant broadly claims "first charge table". The reference teaches displaying anticipated costs based upon the number of packets can be displayed on the terminal per col. 11 lines 23-44. The reference teaches that the system can calculate charge information associated with time usage as well as the number of packets. The examiner interprets charge information associated with the number of packets as a first charge table which must be present in order for the invention to work. The memory means in the terminal is 380 per Fig 3)

Regarding **Claim 4**, wherein said mobile station further comprises transmission means for transmitting the counting results of said counting means to the packet network (The terminal 300 per Fig 4 has the ability to transfer # of packets or counts to the Subscriber Information Database per Fig 4 wherein the system can calculate charge information and provide that information back to the terminal per col. 11 lines 23-45)

Said display means displays the communication charge notified from the packet communication network (The terminal can display charges per col. 11 lines 23-45 which are displayed on 320 per Fig 3 or display means)

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Regarding **Claim 5**, wherein said charge calculation means comprises:

Memory means which stores a charge table for packet communication and calculation means for calculating a communication charge by looking up the charge table in accordance with the counting result transmitted from said mobile (The reference teaches that anticipated charges can be displayed and that the information can be calculated in the system prior to providing it back to the mobile for display per col. 11 lines 23-45. The Subscriber Information Database which is 414 per Fig 4 which has charging information is stored in a memory means. The memory in the terminal per Fig 3 can also have charging rate information stored in the mobile. It would have been obvious to one of ordinary skill in the art at the time of the invention that the mobile would have count packet before they were sent in order for an anticipated charge associated with packets.)

Regarding **Claim 6**, wherein said terminal counts packet data to be transmitted from said mobile station to said mobile station before transmission, and said charge calculation means calculates a communication charge on the basis of a counting result from said terminal (The reference states that the system has the ability to display the anticipate charges based upon the number of packets from the terminal or mobile station per col. 11 lines 23-45. It would have been obvious to one of ordinary skill in the art at the time of the invention that the mobile could display anticipate charges based upon a data transfer from any device in the network)

Regarding **Claim 7**, wherein said control means transmits packet data in accordance with transmission permission from the user on the basis of a communication charge look-up result displayed on said display means (The reference teaches anticipated charges can be displayed based upon # of packets per col. 11 lines 23-45. The examiner takes official notice that a switch for receiving a call is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to check out the look-up result displayed on the display for selecting a switch position to prior to receiving the call to ensure that the cost of the call is within the user's budget.)

Regarding **Claim 8**, wherein said counting means counts packet data while the packet data is transmitted/received, and outputting a counting result after end of packet communication (The applicant broadly claims "transmitted/received" in the claim. The examiner interprets "transmitted/received" as transmitted and received. The system can calculate usage charges based upon packets transmitted and received per col. 11 lines 23-45)

And said display means displays packet communication charge calculated on the basis of the counting result of said counting means, and notifies the user of the packet communication charge after the packet data is transmitted/received (The applicant broadly claims "transmitted/received" in the claim. The examiner interprets "transmitted/received" as transmitted and received. The system calculate packet usage charges based upon packets transmitted and received per col. 11 lines 23-45 which is displayed on the terminal per 320 per Fig 3)

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Regarding **Claim 9**, wherein said memory means stores cumulative speech communication data of a circuit switching service, a second charge table, and a cumulative packet data amount of packet communication in addition to the first charge table (Subscriber Information Database 414 per Fig 4 or memory means stores current time usage information or cumulative speech communication data on circuit switching service which it utilizes a cost information or second charge table as well number of packets at a cost per packet or first charge table.)

Said calculation unit calculates a cumulative communication charge of packet communication, a cumulative speech communication charge of the circuit switching service, and a sum of the cumulative charges by looking up the first and second charge tables in accordance with the cumulative packet data amount and the cumulative speech communication data (The reference teaches that these calculations can be performed either in the system and sent to the terminal or by the mobile prior to display per col. 11 lines 23-45)

Said display means displays at least the sum of the cumulative charges and notifies the user of the cumulative charge as the sum of the charge of the circuit switching service and packet communication (The terminal utilize the display as shown per 320 per Fig 3 to display cumulative charges per col. 11 lines 23-45)

Regarding **Claim 10**, wherein said mobile station further comprises input means for allowing the user to input transmission permission (The applicant broadly claims "allowing the user to input transmission permission". The reference teaches that the anticipated charges are displayed per col. 11 lines 23-45. The examiner takes official notice that a send button on a wireless telephone which is utilized by the user to initiate a call is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention for a user to select the send button to send the packets upon getting a cost estimate of the transaction which is within the user's budget.)

Referring to **Claim 11**, Raith teaches: A packet communication charge pre-notification system (300 is a wireless terminal over 440 per Fig 4. 440 per Fig 4 is TCP/IP or ATM which is a packet network per col. 7 lines 26-30. Anticipated or pre-charge notification is disclosed per col. 11 lines 24-43)

A mobile station (Wireless terminal 300 per Figs 3 & 4)

A packet communication network containing a mobile communication network connected to said mobile station by radio (440 per Fig 4 or packet communication network is connected to 300 per Fig 4 or mobile station via wireless or radio)

A terminal connected to said mobile station via the packet communication network (The applicant has broadly claimed "terminal". The examiner has interpreted Subscriber

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Information Database or 414 per Fig 4 as a “terminal”. 414 per Fig 4 is connected to the wireless terminals via TCP/IP or ATM or packet network)

Control means for forming packet data from digital data and transmitting the packet data to said terminal via the packet communication network in accordance with transmission permission from a user (The controller 360 per Fig 4 creates wireless messages or cellular digital packet data per col.1 line 36 which are transmitted to the subscriber information Data base or 414 per Fig 4 after Call Setup or 610 per Fig 6 which inherently means permission was granted)

Counting means for counting the formed packet data before transmission (The reference teaches that terminal may display anticipated charges based #of data packets per col. 11 lines 23-44. The Controller 360 per Fig 3 provides the means for calculating the anticipated charges based upon the # or data packets)

Memory means which is installed in one of said mobile station and the packet network and stores a charge table for packet communication (380 per Fig 3 is the memory means in the wireless terminal or mobile station and Subscriber Information Database 414 per Fig 4 is the memory means in the network which stores the change table)

Calculation means, installed in one of said mobile station and the packet communication network, for calculating a communication charge by looking up the first charge table in accordance with a counting result of said counting means before packet transmission (The applicant broadly claims “first charge table” in the claim. The examiner has interpreted that the system stores changes associated with packets a first charge table as well as charges associated with usage time as a second charge table per col. 11 lines 23-44. The reference teaches that terminal may display anticipated charges based #of data packets per col. 11 lines 23-44 or counting means before the packet has been sent which is performed in the Controller or 360 per Fig 3)

Display means for displaying a communication charge calculated on the basis of a counting result of said counting means before the packet data is transmitted (The reference teaches that terminal may display anticipated charges based #of data packets per col. 11 lines 23-44)

Raith does not expressly call for: counting means or that communication charge is calculated before the packet is transmitted but teaches that the anticipated charges based upon the number of data packet used is displayed per col. 11 lines 23-44.

It would have been obvious to one of ordinary skill in the art at the time of the invention that anticipated charges based upon the number of data packet used being displayed requires a counting means in order for the invention to work and that anticipated charges perform the same function as displaying the charge before the packet has been sent.

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Claim Objections

4.0 **Claim 8** is objected to because of the following informalities: The usage of the wording “transmitted/received” and is indefinite. The examiner recommends the applicant modify the limitation to “transmitted and received”. Appropriate correction is required.

Conclusion

5.0 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Keller et. al. (U.S. Patent No.: 6,496,689 B1) which discloses a mobile which can displaying charges or actual based upon receipt of unstructured supplementary service data messages. The actual costs based upon volume charge per packet per col. 3 lines 21-45 respectively.

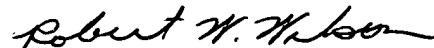
Arkko (U.s. Patent No.; 6,584,500 B2) which discloses that subscriber charges based upon number of packets counted can be calculated in the NAS per Fig 2 and per col. 5 lines 33-47.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W Wilson whose telephone number is 703/305-4102. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert W Wilson
Examiner
Art Unit 2661

RWW
August 27, 2004



DAWGTON
PATENT EXAMINER